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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,837	06/19/2001	Bijoyendra Nath	SEA9774 (30874.106USU1)	2478
23552	7590	03/12/2004	EXAMINER MILLER, BRIAN E	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			ART UNIT 2652	
DATE MAILED: 03/12/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,837

Applicant(s)

NATH ET AL.

Examiner

Brian E. Miller

Art Unit

2652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 and 21-26 is/are pending in the application.
- 4a) Of the above claim(s) 10, 11 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 12-14 and 21-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-14 and 21-26 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2652

Claims 1-14, 21-26 are pending.

Election/Restrictions

1. Applicant's election of species III in Paper No. 11 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 10-11, 26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Election was made **without** traverse in Paper No. 11.

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "streamline control elements comprises an element that is raised above a surface of the recessed area, as per claim 5 (and similarly for claims 23-24), must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37

CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

Art Unit: 2652

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The Examiner requests multiple views of the ABS configurations, e.g., side views to show respective heights of the slider surfaces. Appropriate corrections should be made. The objection to the drawings will not be held in abeyance.

5. The drawings were received on 9/24/03. These drawings are disapproved for their very poor quality.

6. Figures 11-13 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

7. Claims 5, 7-9, 21-25 are objected to because of the following informalities: (a) claim 5, second line "elements comprises an element" is confusing, how does an element comprise another element?; (b) claims 7-9 recite "the center air bearing surface" which does not appear previously in the claim; (c) claim 21 recites "the first air bearing *land* surface" and "the second air bearing *land* surface" which were not previously recited (Emphasis added by Examiner); (d) claims 23-24, the language "of the lowered are and are less" is grammatically confusing. Appropriate correction is required.

Art Unit: 2652

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-10, 12-14, 21-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Chapin et al (US 5,128,822). (As per claims 1, 12-14, 21) Chapin et al discloses a “reduced lubricant accumulating” slider, as shown primarily in FIGs. 3j and 5g, including: first 20 and second 22 air bearing surfaces; a center “portion” 52 (air bearing surface, claim 2) (FIG. 3j); first 20’ and second 22’ streamline control elements located adjacent the trailing edge at least partially between the first/second air bearing surface(s) and the center portion, respectively; wherein the two control elements are considered to reduce lubricant accumulation; (as per claim 3 & 22) wherein the slider includes a third 32 and fourth 30 control elements in contact with the first and second ABS, respectively; (as per claim 4) wherein a recessed area 28 is between the first and second ABS; (as per claim 5 & 23) wherein the first and second control elements are raised above the recessed area and are at least equal to the first and second ABS (see FIG. 2b); (as per claim 6) wherein a third air bearing surface 24 such that the first and second ABS are “bridged” by the third ABS; (as per claim 7) wherein the third ABS and the center portion/ABS are positioned at opposite ends of the slider; (as per claim 8) wherein the first and second streamline elements have respective first and second ends, the first end positioned in relation to the center portion/ABS and the second end extends beyond the center/ABS towards the third ABS (as in FIG. 3j); (as per claim 9) wherein the first ends of the first and second control

Art Unit: 2652

elements conform in shape of the center portion/ABS (see FIG. 3j); (as to claim 24) wherein the third and fourth streamline control elements are less than a height of the first and second ABS (see FIG. 2d); (as per claim 25) wherein the ends of the first and second ABS is connected by a third ABS (25, 24, 27-see FIG. 3j).

Response to Amendment

10. Applicant's arguments with respect to claims 1-9, 12-14, 21-25 have been considered but are moot in view of the new ground(s) of rejection. The newly applied reference to Chapin et al, is considered to encompass the pending claims as set forth, supra.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 2652

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (703) 308-2850. The examiner can normally be reached on M-TH 7:15am-4:45pm (and every other friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian E. Miller
Primary Examiner
Art Unit 2652

Bem
March 5, 2004